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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,375	08/14/2001	Mihal Lazaridis	555255012223	1034
24325	7590	01/13/2005	EXAMINER	
STEPHEN D. SCANLON JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/929,375	Applicant(s) LAZARIDIS, MIHAL	
	Examiner Nghi V Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 31-49 and 53-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 50-52 and 56-60 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-30, 50-52, and 56-60) in the reply filed on November 15, 2004 is acknowledged.

Group II (claims 31-49 and 53-55) is canceled by applicant in the response filed on November 15, 2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The functional limitation of the phrase, "when ... too long ... wireless devices," (emphasis added) renders the claim indefinite because it is vague and subjective whether the limitations following the phrase are part of the claimed invention.

4. Claim 52 recites the limitation "an electronic message" and "an attachment" in page 7, line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-8, 11-30, and 50-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Pendlebury et al., U.S. Patent Number 6,493,760 (hereinafter Pendlebury).

Taking claim 1 as an exemplary claim, Pendlebury teaches a system (figure 1) for communicating with a wireless device (item 118), comprising:

- a computer network (figure 1);
- a wireless network configured to enable the wireless device to access the computer network (figure 1); and
- a bookmark beacon (item 105) that transmits a bookmark data packet to the wireless device (118), wherein the bookmark data packet includes a resource address that enables the wireless device to retrieve information stored on the computer network (column 4, lines 10-53).

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With respect to claim 2, Pendlebury further teaches a guest device (item 107C of figure 12) associated with the bookmark beacon (105C of figure 12), wherein the information stored on the computer network relates to the guest device (figure 12).

With respect to claim 3, Pendlebury further teaches that the guest device is a physical location (item 107C of figure 12).

With respect to claim 5, Pendlebury further teaches the resource address enables the wireless device to communicate with the guest device over the computer network (figure 1; and column 4, lines 27-53).

With respect to claim 6, Pendlebury further teaches the guest device is a printer (item 107C of figure 12).

With respect to claim 7, Pendlebury further teaches the guest device is a facsimile machine (column 12, lines 8-18; and figure 3).

With respect to claim 8, Pendlebury further teaches the resource address enables the wireless device to interact with a software application executing on the computer network that relates to the guest device (column 1, lines 33-65; and column 7, lines 38-64).

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With respect to claim 11, Pendlebury further teaches the resource address is an Internet Protocol (IP) address (column 3, lines 15-41).

With respect to claim 12, Pendlebury further teaches the resource address is a Uniform Resource Locator (URL) (column 1, lines 33-49 and column 10, lines 19-31).

With respect to claim 13, Pendlebury further teaches a proxy server (item 120 of figure 1) that links the wireless network and the computer network (figure 1).

With respect to claim 14, Pendlebury further teaches the computer network is an Internet (item 122 of figure 1).

With respect to claim 15, Pendlebury further teaches the computer network is an Intranet (item 116 of figure 1).

With respect to claim 16, Pendlebury further teaches a server (item 126 of figure 11) coupled to the computer network, wherein the information retrieved by the wireless device (item 118 of figure 11) is stored on the server and the resource address enables the wireless device to access the server over the computer network (column 4, lines 10-53).

With respect to claim 17, Pendlebury further teaches the information is stored on the server (items 134 and 128) in the form of a website (column 5, lines 27-49) and the resource address enables the wireless device to access the website over the computer network (column 12, line 60 - column 13, line 8).

With respect to claim 18, Pendlebury further teaches the bookmark beacon (figure 2) comprises:

- a power source (item 206 of figure 2);
- a processor coupled (item 202 of figure 2) to the power source; and
- a data transmission means (item 210) controlled by the processor that transmits the bookmark data packet.

With respect to claim 19, Pendlebury further teaches the data transmission means is an infrared data communicator (item 210 of figure 2).

With respect to claim 20, Pendlebury further teaches the infrared data communicator comprises an Infrared Data Association (IrDA) port (item 210 figure 2) coupled to the processor (item 202 of figure 2).

With respect to claim 21, Pendlebury further teaches the power source is a battery (column 7, lines 38-50).

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With respect to claim 22, Pendlebury further teaches the bookmark beacon comprises a personal computer configured with an IrDA port (figure 11 and column 7, lines 38-50).

Claims 23-30, and 50 are also rejected for the same reason set forth in claims 1-3, 5-8, and 11-22 above.

With respect to claim 51, an attachment processor and reformator operating on the message server (item 126 of figure 1) that (a) receives electronic messages from the message server that include attachments which have been identified for printing by the one wireless device (item 118 of figure 1), (b) extracts the attachment from the electronic message, (c) formats the attachment for printing, and (d) transmits the attachment over the computer network to the printer associated with the one unique printer address (column 4, line 55 - column 6, line 44).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendlebury as applied to claims 1-1-3, 5-8, and 11-22 above, and further in view of Ruppert et al., U.S. Patent Number 5,640,002 (hereinafter Ruppert).

With respect to claim 4, Pendlebury fails to teach that the physical location is a commercial establishment. In a communication system, Ruppert discloses the physical location is a commercial establishment (figure 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Pendlebury in view of Ruppert by adding a commercial establishment because this feature reduces the cost of the cashiers at the checkout stand. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Pendlebury in view of Ruppert in order to assist shoppers faster during crowded shopping times or checkout time.

With respect to claim 9, Pendlebury fails to teach the guest device is a secure door. In the wireless communication system, Ruppert discloses the guest device is a secure door (item 516). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Pendlebury in view of Ruppert by specifying the guest device to be a secure door because this feature increases the security at the door. It is for this reason that one of ordinary skill in the art at the time of the invention would have been

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motivated to modify Pendlebury in view of Ruppert in order to automatically open a security door when an authorized wireless device approaches the security door.

With respect to claim 10, Pendlebury fails to teach the guest device is a point-of-sale device. In the wireless communication system, Ruppert discloses the guest device is a point-of-sale device (item 501). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Pendlebury in view of Ruppert by specifying the guest device to be a point-of-sale device because this feature reduces the cost of cashier or security personal. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Pendlebury in view of Ruppert in order to automatically track items or products without additional cost of cashier or security personal.

9. Claims 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendlebury as applied to claims 1-3, 5-8, and 11-22 above, and further in view of Ruppert et al., U.S. Patent Number 5,640,002 (hereinafter Ruppert).

With respect to claim 56, Pendlebury fails to teach one or more point-of-sale devices coupled to the computer network, wherein each point-of-sale device has a unique address on the computer network, and is configured to (1) receive data regarding a transaction, and (2) receive a credit or debit card number and a

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personal identification number (PIN) from a wireless device user; a bookmark beacon associated with each point-of-sale device, wherein each bookmark beacon is configured to transmit a bookmark data packet including (1) the unique address of the associated point-of-sale device, (2) any received transaction data, and (3) the credit or debit card number and PIN entered by the wireless device user; a server having a unique location on the computer network that is configured to (a) receive the data packet from one of the wireless devices, (b) verify the PIN and credit or debit card number, (c) approve or deny the transaction, and (d) transmit the approval or denial to one of the point-of-sale devices over the computer network. However, Pendlebury clearly teaches a plurality of wireless devices; a computer network; a wireless network that enables the plurality of wireless devices to access the computer network; and a bookmark beacon associated with a device. In a communication system, Ruppert discloses one or more point-of-sale devices coupled to the computer network (figure 27), wherein each point-of-sale device (item 501) has a unique address on the computer network, and is configured to (1) receive data regarding a transaction, and (2) receive a credit or debit card number and a personal identification number (PIN) from a wireless device user (figure 29 and column 33, line 40 - column 34, line 43); a bookmark beacon (item 298) associated with each point-of-sale device (item 501), wherein each bookmark beacon is configured to transmit a bookmark data packet including (1) the unique address of the associated point-of-sale device, (2) any received transaction data, and (3) the credit or debit card number and PIN entered by the wireless device user (figure

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29 and column 33, line 40 - column 34, line 43); a server (item 509) having a unique location on the computer network that is configured to (a) receive the data packet from one of the wireless devices, (b) verify the PIN and credit or debit card number, (c) approve or deny the transaction, and (d) transmit the approval or denial to one of the point-of-sale devices over the computer network (figure 29 and column 33, line 40 - column 34, line 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Pendlebury in view of Ruppert by adding a credit or debit card feature because this feature saves time at the checkout. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Pendlebury in view of Ruppert in order to assist shoppers faster during crowded shopping times or checkout time.

With respect to claim 57, Pendlebury further teaches the communications between the wireless network and the computer network take place through a proxy server (figure 1).

With respect to claim 58, Pendlebury further teaches the server is located on the Internet (item 116 of figure 1).

Claim 59 is also rejected for the same reason set forth in claims 56-58 above.

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10. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over both Pendlebury as applied to claims 1-3, 5-8, and 11-22 above and Ruppert as applied to claims 56-59 above, and further in view of Sano, U.S. Patent Number 6,690,887.

With respect to claim 60, both Pendlebury and Ruppert fail to teach the point-of-sale devices are not coupled to the computer network. However, Pendlebury and Ruppert teach the bookmark beacon associated with each point-of-sale device is configured to both (1) transmit the bookmark data packet and (2) receive a verification data packet from one of the plurality of wireless devices; and the approval or denial is transmitted to the one point-of-sale device by (1) transmitting the approval or denial to the one wireless device over the computer network and wireless network, and then (2) transmitting the approval or denial from the one wireless device to the bookmark beacon. In a communication system, Sano discloses the point-of-sale devices (item 11) are not coupled to the computer network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Pendlebury and Ruppert, and further in view of Sano by not coupling the point-of-sale device to computer network because this feature increases the flexibility of the system such as portable or mobile. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Pendlebury and Ruppert, and further in view of Sano in order to tear down or setup easily at any location.

Allowable Subject Matter

11. Claim 52 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Portable data terminal and cradle," by Herrod et al., U.S. Patent Application Publication Number 2001/0055978.

b. "Interactive enhancement for printed books," by Paleiov et al., U.S. Patent Number 6,275,142.

c. "Apparatus, method, and computer program product for establishing a remote data link with a vehicle with minimal data transmission delay," by Lesesky et al., U.S. Patent Number 6,604,038.

d. "Automatic data collection device having a network communications capability," by Hunt et al., U.S. Patent Number 6,539,422.

e. "Electronic shopping system utilizing a program downloadable wireless videophone," by Ogasawara, U.S. Patent Application Publication Number 2002/0065728.

f. "Token-based document transactions," by Eldridge et al., U.S. Patent Number 6,515,988.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER